

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA INDIANS OF WISCONSIN, a federally recognized Indian tribe, on its own behalf and as *parens patriae* for its members,

BAD RIVER BAND OF THE LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS OF THE BAD RIVER RESERVATION, a federally recognized Indian tribe, on its own behalf and as *parens patriae* for its members,

LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS OF WISCONSIN, a federally recognized Indian tribe, on its own behalf and as *parens patriae* for its members,

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS OF THE LAC DU FLAMBEAU RESERVATION OF WISCONSIN, a federally recognized Indian tribe, on its own behalf and as *parens patriae* for its members,

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN, a federally recognized Indian tribe, on its own behalf and as *parens patriae* for its members, and

SOKAOGON CHIPPEWA COMMUNITY, a federally recognized Indian tribe, on its own behalf and as *parens patriae* for its members,

Plaintiffs,

-v.-

PRESTON D. COLE, in his official capacity as the Secretary of the Wisconsin Department of Natural Resources,

DR. FREDERICK PREHN, in his official capacity as a person who claims to be, and is acting as, both the Chair and a member of the Wisconsin Natural Resources Board,

Civil Case No.: 3:21-cv-00597

**PLAINTIFFS' MOTION FOR  
A PRELIMINARY  
INJUNCTION PURSUANT TO  
FED. R. CIV. P. 65**

<p>GREGORY KAZMIERSKI, in his official capacity as the Vice Chair and a member of the Wisconsin Natural Resources Board,</p> <p>BILL SMITH, in his official capacity as the Secretary and a member of the Wisconsin Natural Resources Board,</p> <p>SHARON ADAMS, in her official capacity as a member of the Wisconsin Natural Resources Board,</p> <p>WILLIAM BRUINS, in his official capacity as a member of the Wisconsin Natural Resources Board,</p> <p>TERRY HILGENBERG, in his official capacity as a member of the Wisconsin Natural Resources Board,</p> <p>MARCY WEST, in her official capacity as a member of the Wisconsin Natural Resources Board,</p> <p>Defendants.</p>	
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**PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiffs Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin, Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin, St. Croix Chippewa Indians of Wisconsin, and Sokaogon Chippewa Community (collectively, “Plaintiffs” or the “Ojibwe Tribes”), through their undersigned counsel, hereby respectfully move this Court to preliminarily enjoin Defendants from issuing licenses for and holding the wolf hunt scheduled to begin November 6, 2021.

In their quota-setting and management of wolf hunts, including the wolf hunt scheduled to begin on November 6, Defendants have violated, and threaten to continue to violate, the

Ojibwe Tribes’ fundamental rights protected by the Treaty with the Chippewa, July 29, 1837, 7 Stat. 536 (“1837 Treaty”), Art. 5, and the Treaty with the Chippewa, October 4, 1842, 7 Stat. 591 (“1842 Treaty”), Art. II. *See also* U.S. Const. art. VI, § 2 (“Treaties . . . shall be the supreme Law of the Land.”); *Lac Courte Oreilles Band of Lake Superior Chippewa Indians v. Voigt*, 700 F.2d 341, 344-45 (7th Cir. 1983) (affirming the continued existence of the Ojibwe Tribes’ treaty rights throughout their off-reservation ceded territory in Wisconsin).

The basis for the requested injunction is set forth in the accompanying memorandum in support, Plaintiffs’ proposed findings of fact, and the declarations of Christopher Clark, Marvin DeFoe, Andrew Edwards, Adrian P. Wydeven, Brian Bisonette, John Johnson, Sr., Robert VanZile, Mike Wiggins, and Conrad St. John all of which are filed contemporaneously herewith. As these materials demonstrate, Plaintiffs are likely to succeed on the merits, injunctive relief is necessary to prevent irreparable harm, and the balance of harms and public interest support issuance of an injunction. Accordingly, this Court should enter an injunction prohibiting Defendants from issuing licenses for and conducting the wolf-hunting season that is scheduled to commence in November.

Plaintiffs have provided notice of this motion to the Defendants. On September 29, 2021, Plaintiffs’ counsel advised Defendants’ counsel of their intention to file this motion. Plaintiffs will provide actual notice to Defendants’ counsel upon filing of this motion and will serve Defendants with this motion and all supporting materials by email immediately upon filing.

Because the wolf-hunting season is little more than a month away, Plaintiffs request that the Court order expedited response briefing concerning this motion. Plaintiffs request that the Court order any response briefs filed by no later than October 15, 2021. Plaintiffs further request

that the Court schedule a hearing and issue a ruling on this motion before the scheduled commencement of hunting on November 6, 2021.

Respectfully submitted this 1<sup>st</sup> day of October 2021.

s/ Christopher Clark

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